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EXEMPT FROM FILING FEES PURSUANT TO CA GOV'T CODE § 6103

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE,

Plaintiff,

v.

KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,

Defendants.

Case No. 08 CV 0926 H (WMC)

CITY OF SAN DIEGO'S NOTICE OF COMPLIANCE WITH COURT'S TEMPORARY RESTRAINING ORDER

Date: June 17, 2008
Time: 10:30 a.m.
Courtroom: 13
Judge: Hon. Marilyn L. Huff

I.
INTRODUCTION

On May 27, 2008, Plaintiff Blackwater Lodge and Training Center, Inc. dba Blackwater Worldwide ("Blackwater") filed an ex parte application for a temporary restraining order ("TRO") and order to show cause regarding a preliminary injunction. On May 30, 2008, the Court held a hearing on Blackwater's TRO, and on June 4, 2008, the Court issued its ruling, granting Blackwater's request for a TRO. Specifically, the Court issued an order enjoining the City of San Diego ("City") and other named defendants, from refusing to issue a Certificate of Occupancy ("CO") for portions of a building located at 7685 Simpre Viva Road, San Diego, California (the "Building") for which building permits had already been processed by the City and from refusing to allow Blackwater to occupy those portions of the Building. The Court further ordered the City to process any and all pending permits for the Building. Blackwater was ordered to provide security in the amount of ten thousand dollars ($10,000). (TRO 11:18-25.)

II.
THE CITY HAS COMPLIED WITH THE COURT'S ORDER

As fully set forth in the declaration of Afsaneh Ahmadi, Deputy Director of the City's Building Construction and Safety Division of the Development Services Department ("DSD""), and Chief Building Official (filed concurrently herewith), on June 5, 2008, the City issued a CO for the Shooting Range ("Shooting Range")[1] and a CO for use of other potions of the Building as ordered by the Court. [2] Pursuant to City protocols, the above noted CO's were issued to the owner of the Building, Safchild Investment, LLC, and to the Building occupants/tenants, Blackwater Lodge and Training Center, and Mr. Brian Bonfiglio, Vice President of Blackwater Worldwide. Notice of issuance of the CO's was sent by registered mail to the Building owner and to Blackwater. (See declaration of Ahmadi).

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[1] Consistent with City Building Permit/Approval No. 529104 for use of 5,060 square feet of the Building to be used for the Shooting Range.

[2] Consistent with City Building Permit/Approval No. 483606 for occupancy and use of 620 square feet of tenant improved area of the Building.

III.

CERTIFICATION

Whereby, the City herein certifies that all defendants to this action have complied with the Court's TRO issued on June 4, 2008.

Dated: June 6, 2008

MICHAEL J. AGUIRRE, City Attorney

By [signature]
CARMEN BROCK
Deputy City Attorney
Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi, and The City of San Diego

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Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi and The City of San Diego

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No. 08 CV 0926 H (WMC) **DECLARATION OF AFSANEH ADHMADI IN SUPPORT OF CERTIFICATE OF COMPLIANCE** Date: Time: Courtroom: 13 Judge: Hon. Marilyn L. Huff

I, Afsaneh Ahmadi, declare as follow:

1. I am the Deputy Director of the Building Construction and Safety Division of the City of San Diego's ("City") Development Services Department ("DSD""). I also serve as the City's Chief Building Official. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts if called as a witness to do so.

2. On June 5, 2008, I caused to be issued a Certificate of Occupancy for 7685 Siempre Viva Road Building #6 (the "Building"), Building Permit/Approval No. 529104, for occupancy and use of 5,060 square feet of the Building as a Training and Shooting Range ("Shooting Range"). A true and correct copy of the Certificate of Occupancy for the Shooting Range is attached hereto as Exhibit "**A.**"

3. Additionally, on June 5, 2008, I caused to be issued a Certificate of Occupancy for the Building, Building Permit/Approval No. 483606, for occupancy and use of 620 square feet of tenant improved area of the Building. A true and correct copy of the Certificate of Occupancy for the improved area of the Building is attached hereto as Exhibit "**B.**"

4. Pursuant to City protocols, the above noted Certificates of Occupancy were issued to the owner of the Building, Safchild Investment, LLC, and to the Building occupants/tenants, Blackwater Lodge and Training Center, and Mr. Brian Bonfiglio, Vice President of Blackwater Worldwide. A true and correct copy of the accompanying letter send by me to the Building owner and occupants/tenants is attached hereto as Exhibit "**C.**" A true and correct copy of the certified mail receipts for the mailings to the respective above mentioned parties is attached hereto as Exhibit "**D.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 6th day of June, 2008.

Afsaneh Ahmadi (signature)

Afsaneh Ahmadi, declarant

EXHIBIT "A"

THE CITY OF SAN DIEGO

Certificate of Occupancy

ADDRESS: 7685 SIEMPRE VIVA RD BLDG #6

Date Issued: 6-5-08
Building Permit/Approval: 529104
Building Description: V-N-SPR

Occupancy: B TRAINING SHOOTING RANGE
5060 SF

Owner: SAFCHILD INVESTMENTS LLC
1875 CENTURY PARK E #1040
LOS ANGELES CA 90067

This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address complies with the Municipal Code and applicable Requirements of the State Building Regulations for the occupancies listed.

Afsaneh Ahmadi, Chief Building Official
DEVELOPMENT SERVICES DEPARTMENT

BY Afsaneh Ahmadi

NOTE: Any change of use of occupancy must be approved by the Development Services Department.

DS-2 (Rev. 2/05)
This information is available in alternative formats upon request

POST IN CONSPICUOUS PLACE

EXHIBIT “B”

THE CITY OF SAN DIEGO

Certificate of Occupancy

ADDRESS: 7685 SIEMPRE VIVA RD BLDG #6

Date Issued: 6-5-08
Building Permit/Approval: 483606
Building Description: V-N-SPR

Occupancy: B (620 SF)
Tenant Improvement

Owner: SAFCHILD INVESTMENTS LLC
1875 CENTURY PARK E #1040
LOS ANGELES CA 90067

This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address complies with the Municipal Code and applicable Requirements of the State Building Regulations for the occupancies listed.

Afsaneh Ahmadi, Chief Building Official
DEVELOPMENT SERVICES DEPARTMENT

BY: Afsaneh Ahmadi

NOTE: Any change of use of occupancy must be approved by the Development Services Department.

DS-2 (Rev. 2/05)
This information is available in alternative formats upon request

POST IN CONSPICUOUS PLACE

EXHIBIT "C"

THE CITY OF SAN DIEGO

June 6, 2008

SAFCHILD INVESTMENT LLC
1875 Century Park E #1040
Los Angeles Ca 90067

Subject: 7685 Siempre Viva Road, Raven Development Group

Attached, please find Certificate of Occupancy for approval numbers 483606 and 529104.

Sincerely,

Afsaneh Ahmadi
Afsaneh Ahmadi
Chief Building Official

Cc: Blackwater Lodge and Training Center

EXHIBIT "D"

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

7006 2150 0003 2890 1318

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Post...

MAILED
JUN 0 6 2008
Postmark Here

Sent To BLACKWATER LODGE AND TRAINING CENTER
Street, Apt. or PO Box 7685 SIEMPRE VIVA ROAD
City, State, SAN DIEGO CA 92154

PS Form ...

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

7006 2150 0003 2890 1325

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

MAILED JUN 0 6 2008
Postmark Here

Sent To SAFCHILD INVESTMENT LLC
Street, Apt. No. or PO Box No. 1875 Century Park E #1040
City, State, ZIP Los Angeles Ca 90067

PS Form 3800

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

7006 2150 0003 2890 1301

Postage
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

MAILED
JUN 0 6 2008
Postmark Here

Sent To MR BRIAN BONFILIO
VICE PRESIDENT
BLACKWATER WORLD WIDE
Street, Apt. No. or PO Box No. PO BOX 710897
City, State, ZIP SAN DIEGO CA 92171-0897

PS Form 3800

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No.: 08cv0926 H (WMC) DECLARATION OF SERVICE

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the individuals on the service list attached hereto the following documents:

CITY OF SAN DIEGO'S NOTICE OF COMPLIANCE WITH THE COURT'S TEMPORARY RESTRAINING ORDER

DECLARATION OF AFSANEH ADHMADI IN SUPPORT OF THE CERTIFICATE OF COMPLIANCE

in the following manner:

1) __ By personally serving the individual named by personally delivering the copies to the offices of the addressee.
Time of delivery: ___________ a.m./p.m.

2) __ By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing copies (first class mail, postage prepaid) to the person served at the place where the copies were left.

John Nadolenco, Esq. jnadolenco@mayerbrown.com
Christopher Murphy, Esq. cmurphy@mayerbrown.com

Michael I. Neil, Esq. mneil@neildymott.com

Executed: _______________, 2008 at San Diego, California.

MARIA COOK